

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

IN RE:

**CASE NO.: 6:19-bk-03237-CCJ
CHAPTER 7**

Jose M. Rodriguez,

Debtor.

**LIMITED OBJECTION TO MOTION TO SELL REAL PROPERTY AND PAY
SECURED CREDITORS AND TRANSACTIONAL COSTS (1370 Park Avenue)**

COMES NOW, WILMINGTON TRUST NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE TO CITIBANK, N.A., AS TRUSTEE FOR THE MERRILL LYNCH MORTGAGE INVESTORS TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2007-HE2 ("Secured Creditor"), by and through its undersigned counsel, files its Limited Objection to Motion to Sell Real Property and Pay Secured Creditors and Transactional Costs (1370 Park Avenue) ("Motion") (Docket No. 28), and states as follows:

1. Debtor, Jose M Rodriguez, aka Jose M Rodriguez Quinones, aka Jose Manuel Rodriguez ("Debtor"), filed a voluntary petition pursuant to Chapter 7 of the Bankruptcy Code on May 15, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 1370 PARK AVE, ORANGE CITY, FL 32763 (the "Property").
3. On November 19, 2019, Arvind Mahendru, Chapter 7 Trustee ("Trustee") filed a Motion to Sell Real Property and Pay Secured Creditors and Transactional Costs (1370 Park Avenue) requesting approval to sell the property for \$280,000.00.

4. The estimated payoff of Secured Creditor's lien is \$671,200.24 as of November 12, 2019. Secured Creditor will provide an updated payoff at or near the scheduled closing of the sale.
5. Secured Creditor does not object to the Trustee's Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.
6. Secured Creditor objects to any short sale to the extent that any short sale offer must be approved in writing and all conditions therein met.
7. Secured Creditor is filing its Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).
8. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.
9. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests the Motion be conditionally granted, and any order granting the Motion shall include the terms identified herein; and for such other and further relief as the Court deems just and proper.

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By: /s/April Harriott
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 10, 2019, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

PRICE LAW FIRM
400 MAITLAND AVENUE
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ARVIND MAHENDRU
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